



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
Ann Schwester, LPN	:	FINAL ORDER
License # 26NP05204300	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ann Schwester ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 16, 2014, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of

June 1, 2012 to May 31, 2014. Respondent answered "Yes" and certified that answer by submitting the online application.

3. Upon receipt of information indicating that Respondent was arrested on May 2, 2014 by the New Jersey State Police, Sussex, for violation of N.J.S.A. 2C:12-1A (Simple Assault), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Newton, New Jersey, via regular and certified mail on or about May 19, 2014. The regular mailing was not returned. The certified mailing was returned unclaimed.

4. To date, Respondent has not responded to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their

licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2012 to May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 4, 2015, provisionally suspending respondent's nursing license and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day

following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, and provided most of the information initially requested by the Board, and documentation of belated completion of her continuing education obligation for the 2012-2014 licensing cycle. The Board determined that respondent had provided sufficient information so that suspension was no longer applicable. However, documentation of sixty (60) contact hours of continuing education indicated that the courses had all been completed on June 13, 2015, well beyond the termination of the 2012-2014 licensing cycle. Therefore, respondent provided inaccurate information on her 2014 renewal application when she indicated that all required continuing education for the 2012-2014 cycle would be completed by May 31, 2014. Moreover, by failing to timely complete her continuing education obligation for the 2012-2014 cycle, respondent acted in violation of N.J.A.C. 13:37-5.3. Therefore the reprimand for misrepresentation and the

\$250 penalty for the violation of N.J.A.C. 13:37-5.3 were both warranted. The Board further found that the \$500 civil penalty for respondent's initial failure to respond to the Board's inquiry was also warranted, as the delay in respondent's response caused the Board to unnecessarily expend resources, as it proved necessary to issue the Provisional Order of Discipline so as to obtain the requested information.

ACCORDINGLY, IT IS on this 14th day of July, 2015,

ORDERED that:

1. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application.

2. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Leslie Burgos-Bonilla, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any

other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provided in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PhD APN*
Patricia Murphy, PhD, APN
Board President